

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 70
IDAHO SAFE BOATING ACT

67-7001. PURPOSE. It is hereby declared to be the policy of the state of Idaho to improve boating safety, to foster the greater development, use and enjoyment of the waters of this state by watercraft and to adopt certain standards for the safe operation and equipment of vessels. This chapter may be known and shall be cited as the "Idaho Safe Boating Act."

[67-7001, added 1986, ch. 207, sec. 2, p. 516.]

67-7002. JURISDICTION AND AUTHORITY. This chapter shall apply to all vessels operated on the waters of and over which the state of Idaho shall have jurisdiction. The department is hereby granted authority to carry out the administration of the provisions of this chapter, and to promulgate rules and regulations in compliance with [chapter 52, title 67](#), Idaho Code, to effectuate that purpose.

[67-7002, added 1986, ch. 207, sec. 2, p. 516.]

67-7003. DEFINITIONS. In this chapter:

(1) "Actual physical control" means being in the operator's position of the vessel with the motor running or with the vessel moving.

(2) "Aids to navigation" means such buoys, batons, markers or other fixed objects in the water which are established and used to mark obstructions or to direct navigation through separate channels.

(3) "Authorized vendor" means a retail/commercial enterprise or government office authorized by the department to sell certificates of number as provided in section [67-7008](#), Idaho Code.

(4) "Boating law administrator" means the staff person of the Idaho department of parks and recreation appointed by the director and who supervises the boating program.

(5) "Commercial vessel" means any vessel used in the carriage of any person, persons or property for a valuable consideration, whether directly or indirectly flowing to the owner, partner, agent or any other person interested in the vessel.

(6) "Department" means the Idaho department of parks and recreation.

(7) "Director" means the director of the Idaho department of parks and recreation.

(8) "Float house" means a floating structure which is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling, has no mode of power of its own, is dependent for utilities upon a continuous utility linkage to a source originating on shore, and has a permanent continuous connection to a sewage system on shore.

(9) "Float tube" means any vessel constructed of canvas, nylon or other material encasing an inflatable inner tube which allows the operator to sit inside with his legs dangling below the vessel.

(10) "Length of vessel" means the distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment.

(11) "Manufacturer" means any person who is engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

(12) "Operate" means to navigate or otherwise use a vessel on the water of this state.

(13) "Operator" means any person who controls the direction or propulsion of any vessel on the water of this state.

(14) "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

(15) "Passenger" means every person carried aboard a vessel other than:

(a) The owner or his representative;

(b) The operator;

(c) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage and who is paid for his services; or

(d) Any guest on board a vessel which is used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly for his carriage.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, except the United States and the state of Idaho, and includes any agent, trustee, executor, reserve assignee or similar representative of any of the above.

(17) "Personal watercraft" means a small vessel which uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

(18) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, vessels manufactured by another.

(19) "Regatta," "Race," "Marine Event," "Tournament," or "Exhibition" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(20) "Regulatory markers" means any fixed or anchored aid to navigation which is established and used, but is not limited to, the bathing beach markers, speed zone markers, information markers, swimming or diving markers, floating mooring buoys, fishing buoys or markers for ski courses or jumps.

(21) "Rules of the road" means the statutory and regulatory rules governing the navigation of vessels as published by the United States Coast Guard in Navigational Rules International -- Inland.

(22) "Vessel" means every description of watercraft, including a sea-plane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.

(23) "Water of this state" means any waters in the state of Idaho over which the state has jurisdiction.

[67-7003, added 1986, ch. 207, sec. 2, p. 516; am. 1988, ch. 368, sec. 1, p. 1085; am. 1994, ch. 65, sec. 2, p. 129; am. 1996, ch. 54, sec. 1, p. 161; am. 1996, ch. 335, sec. 2, p. 1133; am. 1997, ch. 101, sec. 1, p. 232; am. 1997, ch. 216, sec. 1, p. 636; am. 2014, ch. 338, sec. 16, p. 848.]

67-7004. HULL IDENTIFICATION NUMBER. (1) All vessels, except sea-planes, shall have two (2) identical hull identification numbers permanently displayed and affixed in accordance with federal regulations.

(2) A person who builds or imports a vessel for his own use and not for the purposes of sale shall request a hull identification number from the director and affix the number as instructed.

(3) No person shall destroy, remove, alter, or cover a vessel hull identification number.

(4) The director may issue a hull identification number for any vessel in violation of the provisions of this section.

[67-7004, added 1986, ch. 207, sec. 2, p. 518; am. 1996, ch. 54, sec. 2, p. 162.]

67-7005. CAPACITY PLATE AND CERTIFICATION. All vessels, except sea-planes, constructed after November 1, 1972, and manufactured in or used on the waters of this state and under twenty (20) feet in length, except sailboats, canoes, kayaks and inflatable boats, shall have a certification and capacity plate permanently affixed to the vessel at a location so as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when it is underway in the water.

[67-7005, added 1986, ch. 207, sec. 2, p. 518.]

67-7006. CAPACITY PLATE -- CONTENTS. A capacity plate shall bear the following information permanently marked thereon:

(1) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(a) The total weight of person, motor, gear, and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.

(d) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(2) For all other vessels to which this chapter applies:

(a) The total weight of persons, gear and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

[67-7006, added 1986, ch. 207, sec. 2, p. 518.]

67-7007. CERTIFICATION LABEL -- CONTENTS. The certification label shall contain the following information in letters no less than one-eighth (1/8) inch in height and the information letters shall contrast with the basic color of the label and identify:

(1) The name and address (city and state) of the manufacturer. If the vessel is manufactured outside the United States, the importer shall be considered the statutory manufacturer, and his name and U.S. address shall appear on the label; or, if the vessel is to be sold at retail by a private label merchandiser, then his name and address may appear on the label.

(2) A statement that:

(a) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on (month and year of certification)" or;

(b) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on the Date of Certification" and;

(c) If the vessel displays a stability warning label as required by federal law the certification label shall also show the words, "This Boat Complies With U.S. Coast Guard Safety Standards, Except Load Capacity, in Effect on the Date of Certification" (or the actual date of such certification).

(3) The display of the certification and the capacity information required by this chapter may be combined on one (1) label provided the two (2) information displays are separated by a prominent line or border and the capacity information is the most prominent by virtue of larger type face, bolder type face or contrasting color background.

(4) The information relating to capacity required by this chapter shall be determined by any of the methods and formulas used, recommended or recognized by the U.S. Coast Guard or any agencies successor thereto.

[67-7007, added 1986, ch. 207, sec. 2, p. 518.]

67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for certificate of number with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of number, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall also receive a vessel number that shall be permanently assigned to the boat. The owner shall paint on or permanently attach to each side of the bow of the vessel the vessel number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators

may have the rental agreement on board rented vessels in lieu of the certificate of number.

(2) The owner of any vessel for which a current certificate of number has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for an Idaho certificate of number in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of number, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of number issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of number. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of number issued for the vessel, giving his name, address, and the vessel number and shall, at the same time, pay to the department a transfer fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of number.

(8) No numbers other than the validation stickers and vessel number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of number becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of number should be returned to the department along with a three dollar (\$3.00) fee and an application for a duplicate certificate of number and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law, may obtain pursuant to regulations duly promulgated by the department, certificates of number for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$13.00) for each certificate. Certificates of number so issued may be used

by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The fees shall be:

Vessels 0-12 feet in length	\$20.00
Vessels over 12 feet in length	20.00
plus \$2.00 per foot for each additional foot in excess of 12 feet.	

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently numbered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$2.00) per year.

[67-7008, added 1986, ch. 207, sec. 2, p. 519; am. 1994, ch. 65, sec. 3, p. 130; am. 2007, ch. 240, sec. 1, p. 710; am. 2014, ch. 338, sec. 2, p. 839.]

67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1) In addition to any other moneys or fees collected pursuant to the provisions of section [67-7008](#), Idaho Code, or any other provision of [chapter 70, title 67](#), Idaho Code, all vessels shall pay an additional fee each calendar year as follows:

(a) Motorized vessels and sailboats:

(i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho prior to launch into the public waters of the state;

(ii) Thirty dollars (\$30.00) per vessel documented through the United States coast guard or registered or numbered outside the state of Idaho prior to launch into the public waters of the state.

(b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to launch into the public waters of the state.

(c) Licensed outfitters, as defined in section [36-2102](#) (b), Idaho Code, with nonmotorized fleets exceeding five (5) vessels shall be afforded a prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or more vessels up to a maximum of one hundred (100) vessels. The fee for any additional vessels shall be one dollar (\$1.00) per vessel. The licensed outfitter group rates shall also be available for groups exempt from licensing pursuant to section [36-2103](#), Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall be issued a protection against invasive species sticker that shall be displayed on the vessel in a manner as prescribed by the rules of the department. Stickers shall be considered in full force and effect through December 31 of the year of issue.

(3) Fees shall be collected by the department or authorized vendor.

(a) Vendors may retain one dollar and fifty cents (\$1.50) of fees collected pursuant to this section except those collected pursuant to subsection (1) (a) (i) of this section.

(b) The department shall retain up to twenty percent (20%) of the fees for the actual costs of administering the sticker program.

(c) All remaining fees collected pursuant to this section shall be deposited in the invasive species fund established in section [22-1911](#), Idaho Code.

(d) For the purpose of this section, "vessel" is defined in section [67-7003](#) (22), Idaho Code. All vessels are subject to the provisions of this section, with the exception of small rafts and other inflatable vessels less than ten (10) feet in length.

(4) If the protection against invasive species sticker is lost, stolen or destroyed, any sticker remnants shall be returned to the department along with a three dollar (\$3.00) fee for a duplicate sticker.

(5) A person engaged in the manufacture or sale of vessels may obtain a sticker to be used in the testing or demonstration only of vessels by temporary placement of the protection against invasive species sticker on the vessel tested or demonstrated.

[67-7008A, added 2009, ch. 137, sec. 1, p. 419; am. 2010, ch. 120, sec. 1, p. 267; am. 2014, ch. 338, sec. 17, p. 850; am. 2017, ch. 193, sec. 1, p. 459.]

67-7009. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be required to be numbered under this chapter if it is:

(1) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of sixty (60) consecutive days.

(2) A vessel from a country other than the United States using the waters of this state for a period of less than sixty-one (61) consecutive days.

(3) A vessel which is owned by the United States, another state or a political subdivision thereof.

(4) A vessel's lifeboat.

(5) A vessel belonging to a class of vessels which has been exempted from numbering by the department after it has found that the numbering of vessels of such class will not materially aid in their identification and has further found that the vessel would also be exempt from numbering if it were subject to federal law.

(6) A float tube.

[67-7009, added 1986, ch. 207, sec. 2, p. 521; am. 1996, ch. 54, sec. 3, p. 162.]

67-7010. UNNUMBERED VESSELS. It shall be unlawful for an owner of a vessel to have such vessel on the waters of the state of Idaho, or for any person to operate or permit the operation of any vessel on the waters of the state of Idaho, unless it shall have a current certificate of number and display a vessel number and current validation stickers as provided by law.

[67-7010, added 1986, ch. 207, sec. 2, p. 522; am. 1989, ch. 405, sec. 1, p. 992; am. 2014, ch. 338, sec. 18, p. 850; am. 2015, ch. 244, sec. 61, p. 1038.]

67-7012. ADVISORY COMMITTEE. The county commissioners of any county may appoint a waterways committee to serve without salary or wage in an advisory capacity relating to maintenance and improvement of waterways and expenditure of moneys deposited in the county vessel account. Members of this committee shall hold office at the pleasure of the board of county commissioners.

[67-7012, added 1986, ch. 207, sec. 2, p. 523.]

67-7013. REMITTANCE OF FEES. (1) There is established in the state treasury an account known as the "State Vessel Account," to which shall be credited:

- (a) Moneys or fees collected by assessors and authorized vendors, under the provisions of this section and section [67-7008](#), Idaho Code; and
- (b) All other moneys as may be provided by law.

(2) All fees collected by an assessor or authorized vendor under the provisions of section [67-7008](#), Idaho Code, shall be forwarded to the state treasurer not later than the fifteenth day of the month following the calendar month in which the fees were collected, and the state treasurer shall then pay the moneys collected into the state vessel account and the park and recreation account, as provided in subsection (3) of this section, unless otherwise provided by law.

(3) Moneys collected shall be deposited eighty-five percent (85%) to the state vessel account, and fifteen percent (15%) to the park and recreation account established in section [67-4225](#), Idaho Code. The department shall remit the moneys apportioned to county units of government from the state vessel account not later than January 25, April 25, July 25 and October 25 of each year.

(4) All moneys deposited to the park and recreation account are to be appropriated for the purpose of defraying the expenses, debts and costs incurred in carrying out the powers and duties of the department as provided in this chapter, and for defraying administrative expenses of the department, including salaries and wages of employees of the department, expenses for traveling, supplies, equipment and other necessary expenses of the department as they relate to administration of this chapter. All claims against moneys apportioned to the park and recreation account shall be expended by the department and certified to the state controller, who shall, upon approval of the board of examiners, draw his warrant against the park and recreation account for all bills and claims allowed by the board. Should the related administrative costs of the department amount to less than the moneys apportioned to the park and recreation account for such purposes, the difference shall be remitted to the state vessel account and then apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior fiscal year by a county bears to the total amounts received during that prior fiscal year by all eligible counties.

(5) All moneys deposited to the state vessel account and appropriated to the department, shall be apportioned among the counties of the state based on the designations which the owners make on their application for a certificate of number.

- (a) An owner, when purchasing a certificate of number, will be allowed to designate, on the appropriate form, a primary and secondary eligible county where his boating activity occurs. The portion of his fees which

are appropriated from the state vessel account shall be apportioned to the designated counties, with seventy percent (70%) of those fees apportioned to the primary designated county and thirty percent (30%) apportioned to the secondary designated county.

(b) Should an owner designate on the appropriate form only one (1) eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to the designated county.

(c) Should an owner fail to designate on the appropriate form any eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior three (3) month payment period bears to the total amounts received during that prior three (3) month payment period by all eligible counties.

(6) Only those counties in the state with a boating improvement program, as recognized by the department, shall be eligible to receive moneys from the state vessel account. A "boating improvement program" means that one or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program.

(7) Moneys apportioned to the eligible counties shall be placed in and credited to an account which shall be known and designated as the county vessel fund, which shall be used and expended by the board of county commissioners for the protection and promotion of safety, waterways improvement, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and all things incident to such purposes including the purchase of real and personal property. The board of county commissioners is also authorized to use and expend funds from the county vessel fund outside the county when the board deems it advisable and for the public good.

(8) Within sixty (60) calendar days of the end of each county fiscal year, the county clerk shall calculate the ending fund balance of the county vessel fund for that fiscal year. If the ending fund balance is higher than the amount of revenues deposited in the county vessel fund from the state vessel account during that fiscal year, then the difference shall be remitted to the state vessel account within thirty (30) calendar days of that calculation. Moneys remitted to the state vessel account, in accordance with the provisions of this section, shall be apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior county fiscal year bears to the total amounts received during that prior county fiscal year by all eligible counties. The provisions of this subsection shall not apply to specific sums of money in county vessel accounts, for which the county commissioners have given written notice, to the department of parks and recreation of an intention to retain those funds for a specific purpose. The notice shall specify the amount of the funds to be held, indicate the purpose for which the funds shall be utilized and provide the date when the funds will be expended. If an amended notice is not submitted by the county commissioners, moneys not expended or contractually committed by the date stated in the original notice

of the board of county commissioners shall revert to the state vessel account for distribution as provided in this subsection. All interest earned on moneys invested from a county vessel fund shall return to the county vessel fund.

[67-7013, added 1986, ch. 207, sec. 2, p. 523; am. 1990, ch. 220, sec. 1, p. 586; am. 1991, ch. 298, sec. 1, p. 783; am. 1994, ch. 65, sec. 5, p. 132; am. 1994, ch. 180, sec. 230, p. 563; am. 2014, ch. 338, sec. 19, p. 851.]

67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee of not more than one dollar and fifty cents (\$1.50) may be collected in addition to each vessel license tax collected under the provisions of section [67-7008](#), Idaho Code.

(2) When an assessor collects the fees, the administrative fee shall be paid to the county treasurer where the vessel is licensed and be placed in the county current expense fund for the purpose of defraying related administrative costs. The amount of the administrative fee to be collected by an assessor for each vessel shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of vessel registration fees.

(3) When an authorized vendor collects the fees, the administrative fee shall be set and retained by the authorized vendor where the vessel is numbered. The administrative fee shall be used to defray related administrative costs.

[67-7014, added 1986, ch. 207, sec. 2, p. 525; am. 1994, ch. 65, sec. 6, p. 135; am. 2014, ch. 338, sec. 20, p. 852.]

67-7015. SAFETY EQUIPMENT -- ADDITIONAL REGULATIONS. (1) The department is hereby authorized to promulgate rules and regulations establishing equipment requirements for any vessel subject to the provisions of law. Regulations shall be, wherever possible, in conformity with the provisions of the federal navigation laws or with navigation rules and regulations promulgated by the United States Coast Guard and shall be modified from time to time to maintain that conformity.

(2) It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the vessel shall have on board or installed the equipment required by rules and regulations promulgated by the department.

[67-7015, added 1986, ch. 207, sec. 2, p. 525.]

67-7016. GROSSLY NEGLIGENT OPERATION. Any person who operates any motorized vessel on the waters of the state of Idaho without due caution and circumspection, and in a manner as to endanger or be likely to endanger any person or property, shall be guilty of grossly negligent operation and upon conviction shall be punished as provided in section [67-7033](#), Idaho Code.

[67-7016, added 2014, ch. 136, sec. 2, p. 372; am. 2015, ch. 244, sec. 62, p. 1039.]

67-7017. NEGLIGENT OPERATION. It shall be unlawful for any person to operate any vessel on the waters of the state of Idaho in a careless or heed-

less manner so as to be indifferent to any person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead, and whosoever shall do so is guilty of the crime of negligent operation and shall be punished as hereinafter provided.

[67-7017, added 1986, ch. 207, sec. 2, p. 526.]

67-7018. UNLICENSED COMMERCIAL VESSELS. It shall be unlawful for any person to operate, or to permit the operation of any commercial vessel on the waters of the state of Idaho unless the same is currently inspected and licensed as set forth in Title 46, United States Code, sections 362, 375, 390-392, 399, 404, 416, 435 and 451, as revised.

[67-7018, added 1986, ch. 207, sec. 2, p. 526.]

67-7019. SPEED. It shall be unlawful for any person to operate a vessel on the waters of the state of Idaho at a speed or under conditions that cause any damage to or affects the safety of other vessels, docks, shoreline installations or any other property or person.

[67-7019, added 1986, ch. 207, sec. 2, p. 526.]

67-7020. INCAPACITY OF OPERATOR. It shall be unlawful for the owner of any vessel or any person having such in charge or in his control to authorize or knowingly permit the same to be operated on the waters of the state of Idaho by any person who by reason of age, physical or mental disability is incapable of operating a vessel under the prevailing circumstances.

[67-7020, added 1986, ch. 207, sec. 2, p. 526.]

67-7021. DIVERS' WARNING. It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho within one hundred (100) feet of the display of any recognized "diver down" flag or of the international code flag A or Alpha and all vessels approaching such a flag shall do so at reduced speed.

[67-7021, added 1986, ch. 207, sec. 2, p. 526.]

67-7022. OVERLOADING. It shall be unlawful for any person to operate any vessel loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions. It is also unlawful for any vessel to exceed the capacity established by a capacity plate required in this chapter.

[67-7022, added 1986, ch. 207, sec. 2, p. 526; am. 1996, ch. 54, sec. 4, p. 163.]

67-7023. OVERPOWERING. It shall be unlawful for any person to operate any vessel with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of the vessel and other existing operating conditions. It is also unlawful for any vessel to exceed the capacity established by a capacity plate required in this chapter.

[67-7023, added 1986, ch. 207, sec. 2, p. 526; am. 1996, ch. 54, sec. 5, p. 163.]

67-7024. WATER SKIING. (1) It shall be unlawful for the operator of any vessel having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance to operate or propel the same upon or above any waters of the state of Idaho unless that vessel shall be occupied by at least one (1) other competent person who shall act as an observer. This subsection shall not apply to vessels used by representatives of duly constituted water ski schools in the giving of instruction, or to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(2) Vessels operating within a regulation legal and permitted slalom course and that are equipped with a rear view wide angle mirror are exempt from the requirement of having at least one (1) other competent person in the boat acting as an observer as provided in subsection (1) of this section. The size of the mirror must be no less than four (4) inches from bottom to top and across from side to side. It shall be mounted firmly to give the operator a full, complete view beyond the rear of the vessel at all times.

(3) No vessel shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one (1) hour after sunset to one (1) hour prior to sunrise. This subsection shall not apply to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(4) All vessels having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person or create excessive wake.

(5) No person shall operate or manipulate any vessel's attached towrope or other device by which the direction or location of water skis, aquaplane or similar device may be affected or controlled in such a way as to cause the same or any person thereon to collide with or strike against any person or object other than a jumping ramp or in conjunction with skiing over a slalom course.

[67-7024, added 1986, ch. 207, sec. 2, p. 526; am. 2011, ch. 114, sec. 1, p. 313.]

67-7025. INTERFERENCE WITH NAVIGATION. It shall be unlawful for any person to operate any vessel on the water of this state in a manner that shall unreasonably or unnecessarily interfere with other vessels or with free and proper navigation on the waterways of the state. Violation of the rules of the road shall constitute interference.

[67-7025, added 1986, ch. 207, sec. 2, p. 527.]

67-7026. RESTRICTED AREAS. It shall be unlawful for any person to operate a vessel on the water of this state in any area which has been clearly marked in accordance with, and as authorized by the laws of this state, by buoys or some other distinguishing device as a bathing, swimming or other restricted area. This section shall not apply in the case of an emergency or to patrol or rescue vessels.

[67-7026, added 1986, ch. 207, sec. 2, p. 527.]

67-7027. COLLISIONS, ACCIDENTS AND CASUALTIES -- REPORTS. (1) It shall be unlawful for the operator of any vessel on the water of this state to fail to report any accident or casualty occasioned by the operation of a vessel and as herein provided.

(2) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests to render aid to other persons affected by the collision, accident or other casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(3) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty resulting in death or injury to a person or damage to property in excess of one thousand five hundred dollars (\$1,500):

(a) To immediately, by the quickest means of communication, give notice of the accident to the sheriff of the county in which the accident occurred; and

(b) To file with the sheriff of the county in which the accident occurred, a boating accident report within forty-eight (48) hours of the occurrence if a person dies within twenty-four (24) hours of the occurrence, or in the case of an incapacitating injury or if a person disappears from the vessel. A report shall be filed within ten (10) days of the occurrence or death if an earlier report is not required by this paragraph. The report shall be made on forms provided by the department, but shall not be referred to in any way as evidence in any judicial proceeding. A copy of such report shall also be readily transmitted by the sheriff to the designated state boating safety coordinator.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, and there is another person in the vessel at the time of the accident capable of giving immediate notice of an accident as required herein, the person shall give or cause to be given the notice not given by the operator.

(5) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the director.

[67-7027, added 1986, ch. 207, sec. 2, p. 527; am. 1990, ch. 75, sec. 1, p. 158; am. 1996, ch. 54, sec. 6, p. 163; am. 2010, ch. 71, sec. 1, p. 119.]

67-7028. ENFORCEMENT. The sheriffs and deputy sheriffs of the respective counties shall be primarily responsible for the enforcement of this chapter and in the exercise of their authority may stop and board any vessel subject to law.

[67-7028, added 1986, ch. 207, sec. 2, p. 528; am. 1991, ch. 11, sec. 1, p. 28.]

67-7029. AGENTS OF THE DEPARTMENT. (1) The assessors of various counties of the state shall be agents of the department and shall perform such duties as are prescribed by law.

(2) The department may authorize any person to act as agent for the issuance of certificates of number. In the event a person accepts such autho-

rization, he shall be assigned a block of vessel numbers, validation stickers and certificates of number, which upon issuance in conformity with law and with any rules of the department shall be valid as if issued directly by an assessor.

[67-7029, added 1986, ch. 207, sec. 2, p. 528; am. 1994, ch. 65, sec. 7, p. 135; am. 2014, ch. 338, sec. 21, p. 853.]

67-7030. REGATTAS, RACES, MARINE EVENTS, TOURNAMENTS AND EXHIBITIONS. (1) The sheriff in each county may authorize the holding of regattas, marine events, races, tournaments or exhibitions on any waters of this state located within the county. The department may adopt rules and regulations concerning the safety of vessels and persons.

(2) Whenever a regatta, race, tournament, marine event or exhibition is proposed to be held, the person in charge shall, at least thirty (30) days prior thereto, file an application for permission to hold an event with the sheriff in the county of the proposed event, and a copy of the application shall be readily transmitted by the sheriff to the designated state boating safety coordinator.

(3) The application shall set forth the date, time and location where the event is proposed to be held, together with the following information:

- (a) The name and address of the sponsoring organization.
- (b) The name, address and telephone number of the person or persons in charge of the event.
- (c) The nature and purpose of the event.
- (d) Information as to general public interest.
- (e) Estimated number and type of vessels participating in the event.
- (f) Estimated number and types of spectator vessels.
- (g) Number of vessels being furnished by sponsoring organizations to patrol the event.
- (h) A time schedule and description of events.
- (i) A section of a chart or scale drawing showing the boundaries of the event, various watercourses or areas to be used by the participants, officials and spectator vessels.

(4) The provisions of this section shall not be exclusive with respect to waters of this state over which jurisdiction is shared with the United States and shall not exempt any person from compliance with applicable federal law or regulation.

(5) Competitors in any race, regatta or trial or other marine event authorized by a sheriff shall be exempt from the provisions of law with regard to speed while on an authorized racing course and from provisions of this chapter concerning equipment, noise and numbering. These exemptions are exclusive and shall apply only while an operator of a vessel is engaged in an authorized race, regatta or trial.

(6) It shall be unlawful for any person to conduct any regatta, marine event, race, tournament or exhibition on the waters of the state of Idaho unless he shall have had a marine event permit issued to him as provided by law.

[67-7030, added 1986, ch. 207, sec. 2, p. 528.]

67-7031. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The department may make or adopt appropriate rules for the marking of the water areas in this state through the placement of aids to navigation and regulatory markers. Such rules shall establish a marking system of aids to navi-

gation prescribed by the United States Coast Guard and shall give due regard to the system of uniform waterway markers approved by the advisory panel of state officials to the merchant marine council of the United States Coast Guard. No city, county, other political subdivision or other person shall mark the waters of this state in any manner in conflict with the marking system prescribed by the department or without the specific authority of the department.

(2) The provisions of this chapter shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, so long as such ordinances are not in conflict with the provisions of law.

(3) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt local ordinances with reference to the operation of vessels on any waters within its territorial limits or with reference to swimming within areas of intense or hazardous vessel traffic, provided the ordinances are intended to promote or protect the health, safety and general welfare of its citizenry.

(4) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt ordinances which establish operational zones for personal watercraft on any waters within its territorial limits. Personal watercraft operational zone designations are limited to:

- (a) No wake or less than five (5) miles per hour;
- (b) Personal watercraft only;
- (c) No personal watercraft allowed; or
- (d) Distance from shoreline.

[67-7031, added 1986, ch. 207, sec. 2, p. 529; am. 1996, ch. 335, sec. 3, p. 1134.]

67-7032. OWNER'S RESPONSIBILITY -- PRESUMPTION OF CONSENT. (1) The owner of the vessel shall be liable for any injury or damage occasioned by the negligent operation of it, whether the negligence consists of a violation of the provisions of law, or in the failure to observe ordinary care in the operation as the rules of the road require. It shall be presumed a vessel is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under the control of the owner's spouse, father, mother, brother, sister, son, or daughter, or other immediate member of the family. The owner shall not otherwise be liable, however, unless the vessel is being used with his consent, either expressed or implied.

(2) Nothing contained herein shall be construed to relieve any other person from any liability which he would have otherwise had, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

(3) Nothing contained herein shall deprive the owner of any vessel of any of the rights, limitations or exemptions from liability afforded such owner under any federal statutes.

[67-7032, added 1986, ch. 207, sec. 2, p. 529.]

67-7033. PENALTIES. (1) Unless otherwise specifically provided, any person who shall violate any of the provisions of this chapter or any rule promulgated by the department pursuant to this chapter shall be guilty of an infraction and be punished as provided in section [18-111](#), Idaho Code.

(2) Any person who shall be convicted of any second or subsequent violation of any of the provisions of law in addition to any other penalties authorized herein shall be required to attend and successfully complete a course on safe boating approved by the state boating law administrator and may, at the discretion of the court, be refused the privilege of operating any vessel on any of the waters of this state for a period not to exceed two (2) years.

(3) Any person who shall operate any vessel during the period when he has been denied the privilege to so operate by virtue of subsection (2) of this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(4) Any manufacturer who shall violate the provisions of this chapter with respect to the obligation for the installation of capacity of certification plates shall be guilty of an infraction, and upon being found to have committed the infraction, shall be punished as provided in section [18-111](#), Idaho Code, and each failure to affix a capacity or certification plate as provided in this chapter shall constitute a separate offense for each vessel with respect to which the failure occurs.

(5) Any person who pleads guilty to or is found guilty of violating the provisions of section [67-7016](#), [67-7017](#), [67-7025](#), [67-7026](#) or [67-7027](#), Idaho Code, shall be guilty of a misdemeanor and may be fined not more than three hundred dollars (\$300), imprisoned for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

(6) Any person who pleads guilty to or is found guilty of violating the provisions of section [67-7034](#), Idaho Code, shall be guilty of a misdemeanor and:

- (a) May be fined an amount not to exceed one thousand dollars (\$1,000);
- (b) May be imprisoned for a period not to exceed six (6) months; and
- (c) Shall be required to attend and successfully complete a course on safe boating approved by the designated state boating law administrator.

[67-7033, added 1986, ch. 207, sec. 2, p. 530; am. 1997, ch. 101, sec. 2, p. 234; am. 1997, ch. 216, sec. 2, p. 638; am. 2001, ch. 159, sec. 1, p. 567.]

67-7034. PERSONS UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES.

(1) (a) It is unlawful for any person who is under the influence of alcohol, drugs or any other intoxicating substances, or who has an alcohol concentration of 0.08, as defined in subsection (5) of this section, or more, as shown by analysis of his blood, urine, breath, or other bodily substance, to operate or be in actual physical control of a vessel on the waters of the state of Idaho.

(b) It is unlawful for any person under twenty-one (21) years of age who has an alcohol concentration of at least 0.02 but less than 0.10, as defined in subsection (5) of this section, to operate or be in actual physical control of a vessel on the waters of the state.

(2) Any person having an alcohol concentration of less than 0.08, as defined in subsection (5) of this section, as shown by analysis of his blood, urine, breath, or other bodily substance, by a test requested by an authorized law enforcement officer shall not be prosecuted for operating under the influence of alcohol, except as provided in subsection (1) (a) and subsection (3) of this section. Any person who does not take a test to determine alcohol concentration or whose test result is determined by the court to be unreliable or inadmissible against him, may be prosecuted for operating or being in actual physical control of a vessel while under the influence of alcohol, drugs, or any other intoxicating substances, or other competent evidence.

(3) If the results of the test requested by an authorized law enforcement officer show a person's alcohol concentration of less than 0.08, as defined in subsection (5) of this section, such fact may be considered with other competent evidence of drug use other than alcohol in determining the guilt or innocence of the defendant. This subsection does not preclude prosecution for alcohol intoxication for persons described in subsection (1) (b) of this section.

(4) Persons authorized to withdraw blood for the purposes of determining content of alcohol or other intoxicating substances are those persons authorized in section [18-8003](#), Idaho Code. Immunity from liability in any civil proceeding for specified causes of action shall be extended to personnel as provided in section [18-8002](#), Idaho Code.

(5) For purposes of this chapter, an evidentiary test for alcohol concentration is a determination of the percent by weight of alcohol in blood and shall be based upon a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath or sixty-seven (67) milliliters of urine. Analysis of blood, urine or breath for the purpose of determining the blood alcohol concentration shall be performed by a laboratory operated by the Idaho state police or by a laboratory approved by the Idaho state police under the provisions of approval and certification standards to be set by that department, or by any other method approved by the Idaho state police. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated or approved by the Idaho state police or by any other method approved by the Idaho state police shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(6) It is unlawful for any person who is an habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug or any combination of alcohol and any drug to a degree which renders him incapable of safely operating a vessel to operate or be in actual physical control of a vessel on the waters of the state of Idaho. The fact that any person charged with a violation of the provisions of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of a violation of the provisions of this subsection.

(7) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

[67-7034, added 1988, ch. 368, sec. 2, p. 1086; am. 1989, ch. 387, sec. 1, p. 964; am. 1992, ch. 133, sec. 3, p. 420; am. 1997, ch. 101, sec. 3, p. 234; am. 1997, ch. 158, sec. 3, p. 461; am. 2000, ch. 469, sec. 137, p. 1597.]

67-7035. AGGRAVATED OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) Any person causing great bodily harm, permanent disability or permanent disfigurement to any person other than himself in committing a violation of the provisions of section [67-7034](#), Idaho Code, is guilty of a felony, and upon conviction:

(a) Shall be sentenced to the state board of correction for not to exceed five (5) years, provided that notwithstanding the provisions of section [19-2601](#), Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section [18-111](#), Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall have his privileges to operate a vessel suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his privileges to operate a vessel suspended by the court for not to exceed two (2) years after release from imprisonment, during which time he shall have absolutely no privileges of any kind to operate a vessel; and

(d) Shall, when appropriate, be ordered by the court to pay restitution.

(2) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

[67-7035, added 1988, ch. 368, sec. 3, p. 1088.]

67-7036. TESTING BLOOD OF PERSONS KILLED IN VESSEL ACCIDENTS. The director of the Idaho state police, jointly with the various county coroners, shall provide a system and procedure whereby all coroners in the state of Idaho shall obtain blood samples from all vessel operators who have died as a result of and contemporaneously with an accident involving a vessel.

All investigating sheriffs, deputy sheriffs, or police officers shall report such fatalities to the county coroner or follow the procedure established by the joint action of the director of the Idaho state police and the various coroners.

The blood sample, or result of blood testing, with such information as may be required, will be delivered to the director of the Idaho state police or his designee. Upon receipt of such sample the director will cause such tests as may be required to determine the amount of alcohol, narcotics and dangerous drugs contained in such sample.

The results of such tests shall be used exclusively for statistical purposes and the sample shall never be identified with the name of the deceased. Any person releasing or making public such information other than as herein prescribed, shall be guilty of a misdemeanor.

[67-7036, added 1988, ch. 368, sec. 4, p. 1088; am. 2000, ch. 469, sec. 138, p. 1598; am. 2002, ch. 44, sec. 2, p. 98.]

67-7037. TEST OF OPERATOR FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES. (1) Any person who operates or is in actual physical control of a vessel on the waters of the state of Idaho shall be deemed to have given his consent to evidentiary testing for concentration of alcohol, as defined in section [67-7034](#), Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable grounds to believe that person has been operating or in actual physical control of a vessel in violation of the provisions of section [67-7034](#), Idaho Code, or section [67-7035](#), Idaho Code.

(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.

(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete evidentiary testing:

(a) He is subject to a civil penalty of two hundred dollars (\$200) for refusing to take the test;

(b) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;

(c) If he does not request a hearing or does not prevail at the hearing, the court shall sustain the civil penalty; and

(d) After submitting to the evidentiary testing he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) After submitting to evidentiary testing at the request of the peace officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the peace officer unless the additional test was denied by the peace officer.

(5) If the operator refuses to submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) of this section:

(a) A written request may be made, by the operator, within seven (7) calendar days of receipt of the complaint and summons, for a hearing before the court. If requested, the hearing must be held within thirty (30) days of the arrest unless this period is, for good cause shown, extended by the court for one (1) additional thirty (30) day period. The hearing shall be limited to the question of why the defendant did not submit to, or complete evidentiary testing, and the burden of proof shall be upon the defendant. The court shall sustain a two hundred dollar (\$200) civil penalty immediately unless it finds that the peace officer did not have legal cause to stop and request the operator to take the test or that the request violated the operator's civil rights;

(b) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the peace officer of the circumstances of the refusal, the court shall sustain a two hundred dollar (\$200) civil penalty.

(6) A sustained civil penalty under this section shall be a civil penalty separate and apart from any other penalty imposed for a violation of other Idaho vessel statutes or for a conviction of an offense pursuant to this chapter, and may be appealed to the district court.

(7) Notwithstanding any other provision of law to the contrary, the civil penalty imposed under the provisions of this section must be paid, as ordered by the court, to the county justice fund or the county current expense fund where the incident occurred.

(8) If a person does not pay the civil penalty imposed as provided in this section within thirty (30) days of the time the penalty was imposed, the prosecuting authority representing the political subdivision where the incident occurred may petition the court in the jurisdiction where the incident occurred to file the order imposing the civil penalty as an order of the court. Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the penalty, attorney's fees, costs, and interest may be assessed against any person who fails to pay the civil penalty.

(9) A peace officer is empowered to order evidentiary testing as provided in section [18-8002](#)(6), Idaho Code.

(10) Any written notice required by this section shall be effective upon mailing.

(11) For the purposes of this section "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (12) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

(12) A person who submits to a breath test for alcohol concentration, as defined in subsection (5) of section [67-7034](#), Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the peace officer has reasonable cause to believe that a person was operating under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The peace officer shall state in his report the facts upon which that belief is based.

[67-7037, added 1993, ch. 250, sec. 1, p. 873.]

67-7038. MUFFLERS AND NOISE RESTRICTIONS. (1) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho unless the motorboat shall at all times be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

(2) For the purposes of this section, "muffler" shall mean a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.

(3) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho in such a manner as to exceed the following noise levels:

(a) For motorboats manufactured before January 1, 1995, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005;

(b) For motorboats manufactured on or after January 1, 1995, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005.

(4) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on any lake or reservoir of the state of Idaho, which is more than five hundred (500) feet in width, in such a manner as to exceed a noise level of 75dB(A) measured as specified in SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

(5) No person shall operate, or give permission for the operation of, any motorboat on the waters of the state of Idaho that is equipped with an altered muffler or a muffler cutout, bypass or other device designed or so installed so that it can be used to continually or intermittently bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in accordance with the provisions of this section.

(6) No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner which will prevent it from being operated in accordance with the provisions of this section.

(7) Effective January 1, 1995, a person shall not manufacture, sell or offer for sale any motorboat unless it is equipped with a muffler or muffler system which does comply with subsection (3) of this section. This subsection shall not apply to motorboats designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose.

(8) The provisions of this section shall not apply to motorboats registered and actually participating in an authorized marine event, or to a motorboat being operated by a boat or engine manufacturer for the sole purpose of testing and/or development.

(9) Any peace officer who has reason to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. If such motorboat exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the motorboat to a mooring and keeping the motorboat at such mooring until the violation is corrected or ceases.

[67-7038, added 1993, ch. 146, sec. 1, p. 382.]

67-7039. VESSEL TITLING ACT. (1) Sections [67-7039](#) through [67-7041](#), Idaho Code, shall be known and cited as the "Vessel Titling Act."

(2) The Idaho transportation department is hereby granted authority to carry out the administration of the provisions of this act and to promulgate rules to effectuate that purpose.

(3) All titling procedures for vessels shall be governed by [title 49](#), Idaho Code. Unless otherwise provided, the term "vessel" shall be interchangeable with the term "vehicle" throughout [title 49](#), Idaho Code, for the purposes of vessel titling and vessel dealers and salesmen licensing requirements.

(4) All vessel dealers, wholesalers, manufacturers, salesmen, distributors and representatives shall be required to be licensed as required by [chapter 16, title 49](#), Idaho Code.

(5) All vessel dealers shall be required to procure and file a bond in the amount required in section [49-1608](#), Idaho Code.

[67-7039, added 1999, ch. 298, sec. 3, p. 750; am. 2001, ch. 73, sec. 17, p. 170.]

67-7040. APPLICATION TO CERTAIN VESSELS. (1) The provisions of the vessel titling act shall apply to every 2000 and newer model year vessel upon transfer of ownership, and optionally to all other vessels of a model year prior to 2000, effective on and after January 1, 2000, even though vessels need not be registered under the provisions of [chapter 4, title 49](#), Idaho Code. Vessels shall be issued a certificate of number as provided in section [67-7008](#), Idaho Code.

(2) The provisions of the vessel titling act shall apply exclusively to vessels with a permanently attached mode of propulsion, such as: an in-board motor, sail, personal watercraft, or other propelling machinery, and all vessels over twelve (12) feet regardless of mode of propulsion, except: driftboats, canoes, kayaks, inflatable vessels, rafts, barges, nonmotorized paddle vessels, sailboards, tenders, seaplanes, documented vessels, and vessels owned by the United States or a foreign state or political subdivision.

(3) Once titled, the vessel remains a titled vessel and is subject to the requirements of [chapter 5, title 49](#), Idaho Code.

[67-7040, added 1999, ch. 298, sec. 4, p. 750; am. 2001, ch. 73, sec. 18, p. 170; am. 2014, ch. 38, sec. 20, p. 88; am. 2014, ch. 338, sec. 22, p. 853.]

67-7041. LIENS AND ENCUMBRANCES -- FILING -- NOTATION ON CERTIFICATE -- CONSTRUCTIVE NOTICE. No lien or encumbrance created on or after January 1, 2000, on any vessel titled under the laws of this state, shall be perfected as against creditors or subsequent purchasers or encumbrancers without notice until the holder of the lien or encumbrance, or his successor, agent or assignee, has complied with the requirements of section [49-504](#), Idaho Code, and has filed the title application and all required supporting documents with the Idaho transportation department or an agent of that department.

[67-7041, added 1999, ch. 298, sec. 5, p. 751; am. 2001, ch. 73, sec. 19, p. 171.]

67-7050. RECIPROCAL AGREEMENTS. (1) The department is authorized to enter into bilateral, reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of vessel offenses committed by residents of one (1) jurisdiction while in the other jurisdiction.

(2) The vessel offense reciprocal agreements entered into on behalf of this state with all other states legally joining therein shall be in a form substantially as follows:

ARTICLE I -- FINDINGS AND DECLARATION OF POLICY

(1) The party states find that:

(a) The safety of their waters is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of vessels.

(b) Violation of such laws or ordinances is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(2) It is the policy of each of the party states to promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of vessels by their operators in each of the jurisdictions where such operators operate vessels.

ARTICLE II -- DEFINITION

"State" means a state of the United States and the District of Columbia.

ARTICLE III -- CONCURRENT JURISDICTION

(1) If conduct is prohibited by two (2) adjoining party states, courts and law enforcement officers in either state who have jurisdiction over vessel offenses committed where waters form a common interstate boundary have concurrent jurisdiction to arrest, prosecute and try offenders for the prohibited conduct committed anywhere on the boundary water between the two (2) states.

(2) These reciprocal agreements will not authorize:

(a) Prosecution of any person for conduct that is unlawful in the state where it was committed, but lawful in the other party state.

(b) A prohibited conduct by the party state.

ARTICLE IV -- CONSTRUCTION AND SEVERABILITY

These reciprocal agreements shall be liberally construed so as to effectuate the purposes thereof. The provisions of these reciprocal agreements shall be severable and if any phrase, clause, sentence or provision of these reciprocal agreements is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of these reciprocal agreements and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If the reciprocal agreements shall be held contrary to the constitution of any state party thereto, the reciprocal agreements shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[67-7050, added 1993, ch. 252, sec. 1, p. 877.]

67-7077. OPERATION OF VESSELS. It shall be unlawful for any person to operate any vessel on the water of this state:

(a) In a negligent manner as prescribed in section [67-7017](#), Idaho Code, while within one hundred (100) feet of another vessel; or

(b) At a speed greater than no wake or five (5) miles per hour while within one hundred (100) feet of a dock, swimmer or other person in the water, except when safely pulling a water skier from a dock, or when safely dropping off a water skier at or near a dock, or when the swimmer or other person in the water is the vessel's water skier. Except when dropping off a skier at or near a dock all efforts shall be made to reasonably minimize the time and distance the vessel shall travel inside the one hundred (100) foot zone while operating at speeds greater than no wake or five (5) miles per hour.

[67-7077, added 1996, ch. 335, sec. 4, p. 1135; am. 1997, ch. 216, sec. 3, p. 638; am. 1998, ch. 232, sec. 1, p. 790; am. 2003, ch. 232, sec. 1, p. 592.]

67-7078. PERSONAL WATERCRAFT LIVERIES. (1) Any person who offers a personal watercraft for lease, hire or rent shall:

(a) Provide a Coast Guard approved Type I, II, III or V personal flotation device and any other required safety equipment to all persons who lease, hire or rent the personal watercraft at no additional charge;

(b) Display a safety information decal provided by the department describing laws, rules and safety measures pertaining to personal watercraft in a location clearly visible from the operator's position on each personal watercraft leased, hired or rented;

(c) Instruct each person that will operate the personal watercraft during the rental or lease period on the laws, rules and safe operation of the personal watercraft as prescribed by the department;

(d) Provide to the person leasing, hiring or renting the personal watercraft a written copy of acknowledgement of instruction on forms provided by the department. Each copy must contain the names and physical description of all persons eligible to operate the personal watercraft during the rental or lease period.

(2) It is unlawful for any person to operate a personal watercraft which is being rented, hired or leased before being instructed on the laws, rules and safe operation of personal watercraft by the lessor as prescribed in this chapter.

(3) Any person operating a personal watercraft which is leased, hired or rented must carry on board a written copy of acknowledgement of instruction whenever the personal watercraft is in operation.

(4) Any person violating the provisions of this section shall be guilty of an infraction and punishable as provided in section [18-113A](#), Idaho Code.

[67-7078, added 1996, ch. 335, sec. 4, p. 1135.]